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Attorneys for Defendant,
TARGET CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

LIEN WONG,

Plaintiff,

vs.

TARGET CORPORATION; and DOES 1
through 10,
Defendant.

USDC Case No. _5:23-CV-04852 PCP

Santa Clara County Superior Court
Case No. 23CV419567

STIPULATION TO REMAND REMOVED
ACTION; ~~PROPOSED~~ ORDER

STIPULATION TO REMAND REMOVED ACTION

Plaintiff LIEN WONG (hereafter "WONG"), and Defendant TARGET CORPORATION,
(hereafter "TARGET") by and through their respective counsel of record, stipulate as follows:

1. WONG filed a Complaint for personal injuries on July 19, 2023, in the Superior Court of California, County of Santa Clara, entitled "Lien Wong v. Target Corporation," Santa Clara County Superior Court Case No. 23CV419567 (hereafter "the Action").

2. WONG served the Summons and Complaint on TARGET on August 23, 2023.

3. TARGET timely removed the Action to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. section 1441(b) and 1446(b)(3), on September 21, 2023.

4. WONG and TARGET agree and hereby stipulate that although they are citizens of

1 different states, the amount in controversy at the time of removal did not exceed \$74,599.99,
2 exclusive of interest and costs.

3 5. Through their respective counsel, WONG and TARGET have conferred and
4 exchanged information regarding the Action informally.

5 6. Plaintiff WONG hereby agrees and stipulates that her damages, resulting from the
6 alleged occurrence at TARGET's premises on or about April 30, 2022, which is the subject of the
7 above-captioned action (formerly Santa Clara County Superior Court Case Number
8 23CV419567)(hereinafter "the litigation") are hereby capped at \$74,599.99.

9 7. Plaintiff WONG now confirms that her damages, in any form, shall not and will
10 not under any circumstances exceed \$74,599.99.

11 8. Plaintiff WONG hereby agrees and stipulates that if her damages should exceed
12 \$74,599.99, she hereby waives the right to claim such damages as a result of the litigation.

13 9. Plaintiff WONG hereby agrees and stipulates that her recovery of damages in the
14 litigation, including but not limited to economic damages and non-economic damages, are hereby
15 capped at \$74,599.99.

16 10. WONG further stipulates that although "new facts" may be adduced later in the
17 Action through investigation and discovery, that such "new facts" will not increase the amount in
18 controversy to a sum greater than \$75,000.00, exclusive of interest and costs.

19 11. WONG further waives all rights she may have to void this Stipulation based on
20 newly-discovered or unknown facts.

21 12. Plaintiff WONG hereby agrees and stipulates that should any award or judgment in
22 the litigation be rendered or entered against TARGET with damages in excess of \$74,599.99, she
23 will execute any necessary documents to reduce such award or judgment to \$74,599.99 in total
24 damages, and she will not execute on any award or judgment in excess of \$74,599.99 in damages.
25 The damages cap is inclusive of costs and fees, including attorneys' fees.

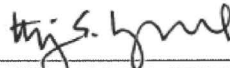
26 13. The parties agree and hereby stipulate that because Plaintiffs damages shall never
27 under any circumstance exceed \$74,599.99, this court does not have subject matter jurisdiction of
28 Plaintiff's civil action as this case does not meet the minimum amount in controversy.

1 14. The parties further agree and stipulate, pursuant to 28 U.S.C. section 1447(c), to
2 the remand of Plaintiff's civil action to the Superior Court of Santa Clara County.

3 15. WONG and TARGET therefore request that this Court remand the Action to the
4 Santa Clara County Superior Court from which it was removed.

5 DATED: December 6, 2023.


OIUM REYEN & PRYOR

6 By: 
 HILARY E. YOUNGBLOOD

7 Attorneys for Defendant,
8 TARGET CORPORATION

9 DATED: December 6, 2023.

HABBAS, NASSERI & ASSOCIATES

10 By: 
11 JEFF RICKARD.
12 Attorneys for Plaintiff LIEN WONG
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~~PROPOSED~~ ORDER OF REMAND

On December 6, 2023, the parties to the above-referenced action filed a Stipulation to Remand Removed Action. The Court, having reviewed the Stipulation and good cause appearing therefore, ORDERS as follows:

1. The Stipulation to Remand Removed Action is approved; and
2. United States District Court, Northern District of California case 5:23-CV-04852 PCP, "LIEN WONG v. TARGET CORPORATION," is hereby remanded to the Santa Clara County Superior Court.
3. The Clerk of Court for the United States District Court is directed to forthwith deliver a certified copy of the Order of Remand directly to the Clerk of the Superior Court of California, County of Santa Clara.

IT IS SO ORDERED:

DATE: December 8, 2023



UNITED STATES DISTRICT COURT JUDGE

Lien Wong vs. Target Corporation

United States District Court – Northern District of California
San Jose Division Case No.: 5:23-CV-04852-PCP

CERTIFICATE OF SERVICE

I, the undersigned, declare that:

I am over the age of eighteen years and not a party to the within action. I am employed in the City and County of San Francisco, California. My business address is 433 California Street, Suite 815, San Francisco, California 94104, and my electronic notification address is ron@orplaw.com.

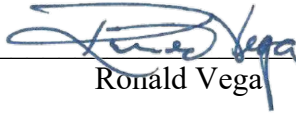
On the **December 6, 2023**, I served the following document(s) VIA CM/ECF Filer:

- **STIPULATION TO REMAND REMOVED ACTION; [PROPOSED] ORDER**

Jeff Rickard, Esq.
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Attorney for Plaintiff

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and this declaration was executed on December 6, 2023, in San Francisco, California.



Ronald Vega